

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

SAMANTHA LUND,)	
)	
Petitioner,)	
v.)	CASE NO. 4:20-cv-00170-BCW
)	
LONE JACK C-6 SCHOOL DISTRICT and)	
DR. MATTHEW TARWATER)	
)	
Defendants.)	

**DEFENDANT MATTHEW SUPPLEMENTAL BRIEF IN SUPPORT
OF HIS UNOPPOSED MOTION TO REOPEN CASE FILE**

COMES NOW defendant Matthew Tarwater, Ed.D (hereinafter “Dr. Tarwater”) and provides the following supplemental brief in support of his now unopposed motion to reopen the case file. On July 22, 2020 Dr. Tarwater moved the Court to reopen the case file in response to a dismissal which had been entered by the Court on July 20, 2020, all as more fully set forth in the motion and supporting brief. (See Doc. No. 85). On July 22, 2020 plaintiff’s counsel corresponded by email with the Court’s Courtroom Deputy, advising that a response to Dr. Tarwater’s motion to reopen the case file would be filed by plaintiff “within seven (7) days”, which would have been by July 29, 2020. It does not appear that plaintiff filed a response by July 29, 2020, or that she has ever filed any opposition, or other response, to Dr. Tarwater’s pending motion to date.¹ Any response time for Dr. Tarwater’s pending motion to reopen the case file has long since run and,

¹ Dr. Tarwater had been in contact with plaintiff about the motion to reopen the case file and understood that she would be notifying the Court of her lack of opposition to his July 22, 2020 motion to reopen the case file. Instead of so advising the Court that Dr. Tarwater’s motion was now unopposed, on August 4, 2020 plaintiff filed a separate Unopposed Motion to Reopen Case. (Doc. No. 88). It is unclear why a second motion to reopen the case file was presented, however, what appears clear is that the parties are all in agreement to re-opening the case file.

there being no opposition filed by plaintiff or any party to Dr. Tarwater's motion, the motion to reopen the case file should now be granted.

Accordingly, Dr. Tarwater would respectfully request that his July 22 motion to reopen the case file be granted at this time. Dr. Tarwater previously provided the Court with a proposed Order Granting Defendant Matthew Tarwater, EdD's Motion to Reopen Case File. (Submitted via email on July 22, 2020). For the Court's convenient reference Dr. Tarwater attaches the proposed Order previously provided to the Court for use in connection with the granting of the pending motion (See Exhibit A).

WHEREFORE, based on the above and foregoing information, Dr. Tarwater respectfully prays that the Court grant his July 22, 2020 pending motion to reopen the case file to allow the parties to proceed with anticipated activities in the case, and for such further relief as the Court deems just and equitable.

Respectfully submitted,

EVANS & DIXON, L.L.C.

/s/Brian J. Niceswanger

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CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2020, I filed the foregoing document via the Court's ECF system, which will cause a true and correct copy of the same to be served electronically on all ECF-registered counsel of record.

/s/Brian J. Niceswanger
ATTORNEY FOR DEFENDANT